



# CALIFORNIA STATE PERSONNEL BOARD

ARNOLD SCHWARZENEGGER, Governor

801 Capitol Mall • Sacramento, California 95814 • [www.spb.ca.gov](http://www.spb.ca.gov)



DATE: December 20, 2005

TO: All State Agencies and Employee Organizations  
Departmental Directors  
Equal Employment Opportunity Officers

FROM: State Personnel Board  
Merit Employment & Technical Resources Division

**SUBJECT: ENACTMENT OF ASSEMBLY BILL 124**

This memorandum serves to inform state agencies of changes in state law affecting equal employment opportunity. Assembly Bill (AB) 124, effective January 1, 2006, updates statutory language pertaining to State affirmative action efforts to align with Constitutional changes resulting from the California Civil Rights Initiative (Proposition 209). AB 124 amends Government Code Section 19790 et seq. and applies to all state departments and agencies. It eliminates the provisions in current law invalidated by Proposition 209 without imposing additional record-keeping requirements; and retains and clarifies the existing data collection, analysis and reporting requirements. Significantly, AB 124 affirms that the goals of equal employment opportunity (EEO) and non-discrimination are vital and essential elements of the State of California's merit-based civil service system.

Annual Workforce Analysis

- Clarifies the continued validity of the collection of various gender and ethnicity data elements
- Refines the definition of "underutilization" to include comparison between the percentage representation of a group in an occupation and that group's percentage representation in the "relevant labor force".
- Codifies disability data collection elements currently in use by the State Personnel Board (SPB).
- Provides for continued affirmative action efforts for persons with disabilities including goals and timetables, monitoring, establishing programs and other reporting requirements.

- Clarifies the State Personnel Board's authority to implement and promote broad and inclusive recruitment efforts.
- Replaces the hiring "goals and timetables" requirement for women and minorities with EEO requirements.

#### Equal Employment Opportunity Administration

- Requires each state department to issue a policy statement expressing commitment to EEO; procedures for filing, processing and resolving discrimination complaints and appeals; and procedures for providing upward mobility and promotional opportunities to state employees.
- For the purposes of this statute, the appointment of EEO Officers shall be at the managerial level (equivalent to Staff Services Manager I or higher) and shall report directly to the Appointing Power or Director of the department. The EEO Officer, among other duties, manages, administers and monitors the department's EEO program (including program and policy development) and advises the Directorate in EEO-related matters. Other factors such as department size, complexity of assigned duties, degree of responsibility, performance of supervisory and managerial activities may influence appointment of EEO Officers at levels higher than the Staff Services Manager I equivalent.

#### Disability Advisory Committees

Provides for disability advisory committees (DAC) to include employees who have "an interest in disability issues" with a goal of two-thirds of the membership being comprised of employees with disabilities. In the event that the two-thirds requirement is not met, documentation must demonstrate the number of employees invited to participate; and that the number of participants willing and able to serve, was insufficient to meet this requirement.

#### Layoff Provision

Continues to provide that the SPB may modify, according to Board rule, the order of layoff if failure to do so by a department would result in ineligibility for a federal program with a loss of federal funds or if required by federal law.

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The full text of AB 124 may be accessed through [www.leginfo.ca.gov](http://www.leginfo.ca.gov). The SPB's Office of Civil Rights is responsible for assisting state agencies by providing technical assistance and guidance regarding this policy memorandum. If you have any questions, please contact Matilda Aidam at (916) 653-1276 or TDD (916) 653-1498.

Floyd D. Shimomura  
Executive Officer